CF 1004

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No. 4082 ***of 2003***

GHANSHYAM DAS GOEL, SON OF LATE MURARILAL GOEL, AGED ABOUT 50 YEARS, PROPRIETOR M/S PUSHPA TIMBERS, GOEL HOUSE , RAMKUND, RAIPUR. PETITIONER

VERSUS

1. UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND ALSO THROUGH THE SECRETARY, MINISTRY OF FINANCE, NEW DELHI.

2. STATE BANK OF INDIA, A BANKING COMPANY CONSTITUTED UNDER THE RELEVANT PROVISIONS OF STATE BANK OF INDIA ACT, 1955, HAVING ITS INTERALIA AMONGST OFFICES A BRANCH OFFICE AT JAI STAMBH CHOWK RAIPUR.

RESPONDENTS

Notice available to Res 2 on behalf of Respondents 12/12/03

P. R. No. 3886/03 Presented by Shri Sandeep P. Soni dated 12.12.03

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

The humble petition of the Petitioner above named

MOST RESPECTFULLY SHOWETH

(1) PARTICULARS OF THE PETITIONER :

As above in the cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

85

आदेश पत्रक

मामला क्रमांक W.P. 4092 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DIVISION BENCH: **HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ** **& HON'BLE SHRI FAKHRUDDIN, J.** **29/06/2004**: - Shri B.P.Sharma, counsel for the petitioner. Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.1. Shri P.Diwakar, counsel for the respondent No.2. Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed. However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today. Sd/- Chief Justice Sd/- Fakhruddin Judge	

[पीछे देखिये